

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CV-510-F

Medical Mutual Insurance Company of)
North Carolina)
)
)
Plaintiff,)
)
)
vs.)
)
)
American Casualty Company of Reading,)
PA.)
)
)
Defendant.)

ORDER ON BILL OF COSTS

This matter comes before the undersigned on Defendant, American Casualty Company of Reading, PA.'s Bill of Costs. The Defendant requests a total of Seven Hundred Seventeen Dollars and 68/100 (\$717.68) to be taxed against Plaintiff, Medical Mutual Insurance Company of Reading, PA. Plaintiff, Medical Mutual Insurance Company of North Carolina has filed an objection to Defendant's Bill of Cost and the matter is ripe for determination.

Defendant, American Casualty Company of Reading, PA seeks Six Hundred Fifty Nine Dollars and 88/100 (\$659.88) for exemplification and copies.

Section 28 U.S.C. § 1920(4) allows for the fees for exemplification and copies of papers necessarily obtained for use in the case. These charges are taxable only to the extent that the copies were actually used as court exhibits or were furnished to the court or to opposing counsel. *In re D & B Countryside, L.L.C. v. S.P. Newell*, 217 B.R. 72, 80 (E.D. Va. 1998). Therefore, the Defendant's request for costs in the amount of Six Hundred Fifty Nine Dollars and 88/100 (\$659.88) for photocopying and exemplifications costs is ALLOWED.

Defendant, American Casualty Company of Reading, PA seeks overnight delivery costs in the amount of Fifty Seven Dollars and 80/100 (\$57.80). Postage and handling fees are not taxable costs under 28 U.S.C. § 1920. Therefore, this request for cost is DENIED.

In summary, the undersigned finds that pursuant to 28 U.S.C. §1924, Defendant, American Casualty Company of Reading, PA, has provided a supporting affidavit and invoices verifying the costs requested herein and that Defendant is awarded Six Hundred Fifty Nine Dollars and 88/100 (\$659.88) for photocopying and exemplification costs. All other requests for costs not referenced in this summary are denied.

This the 13th day of January, 2011.



Dennis P. Iavarone
Clerk of Court